

LAS ANIMAS STREET LIGHTING CONTRACT

AN ORDINANCE AUTHORIZING the Mayor of the City of Las Animas, Bent County, Colorado, to enter into a contract with The Western Public Service Company for the lighting of the public streets and alleys within the City of Las Animas.

SECTION I.

BE IT ORDAINED by the Mayor and the Clerk of the said City of Las Animas, be and they hereby are authorized and directed to enter into a contract with the said The Western Public Service Company for the furnishing of street lighting for the public streets and alleys within the City of Las Animas for a period of five (5) years which shall be in the following form;

CONTRACT

This agreement made and entered into this day of 193 by and between The Western Public Service Company, a corporation duly organized and existing under the laws of the State of Maryland, with its principal office in the City of Scottsbluff, Nebraska, hereinafter referred to as the Company, and the City of Las Animas, Bent County, Colorado, hereinafter referred to as the City,

WITNESSETH:

That whereas the said Company owns and operates a street lighting system within the said City of Las Animas, Colorado, and supplies service to the City for the operation of the street lighting system under the lighting contract contained in City Ordinance No. 261, and

Whereas in consideration of the premises and of the covenants and agreements hereinafter contained, it is agreed by and between the said parties that the existing street lighting contract entered into June 16th, 1927, by and between the City of Las Animas and The Western Public Service Company, be and is hereby cancelled and in lieu thereof, it is agreed hereunto as follows, to-wit:

(1) The Company agrees to furnish, deliver and sell to the City and the City agrees to purchase, pay for and receive from the Company street lighting service sufficient to meet the present and future needs of the City on a basis of approximately four thousand (4,000) hours per year, or burning each and every night from thirty minutes after sunset until thirty minutes before sunrise.

(2) The Company, at its own expense, shall install, maintain and keep in good operating condition all of the cables, wire, posts, columns, fixtures and appurtenances, including the outer globes and lamp renewals and supply the current necessary to light the lamps as hereinabove mentioned.

(3) The Company shall at any time install any additional street lights, at its own expense, when requested by the City in writing, provided however that the additional street light requested is not located over one block from the then existing street lighting system for any overhead or suspension type light, nor not over one hundred (100) feet from the then existing system for any ornamental or white way light. In the event the City desires an overhead or suspension type street light installed more than one block from the existing systems supplying such light the Company shall install the additional light and the City shall pay to the Company all extra expense incurred in

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extending its system beyond the one block limit hereinbefore mentioned. In the event the City desires an ornamental or white way light installed at a distance of more than one hundred (100) feet from the existing ornamental or white way lighting system the Company shall install the additional light and the City shall pay to the Company all extra expense incurred in extending the ornamental or white way lighting system beyond the one hundred (100) feet limit as hereinabove mentioned.

(4) In the event any street light is relocated by the Company, at the request of the City, the City is to pay the cost of such relocation.

(5) The Company hereby agrees to furnish and the City hereby agrees to pay for the street lighting service herein provided at the following rates:

FOR OVERHEAD OR SUSPENSION TYPE LIGHTS.

For each 100 candle power \$2.00 per month.

For each 250 candle power \$3.25 per month.

For each 400 candle power \$4.50 per month.

FOR ORNAMENTAL OR WHITE WAY LIGHTING.

For each 100 candle power \$2.75 per month.

For each 250 candle power \$3.50 per month.

For each 400 candle power \$5.50 per month.

With a penalty of five (5) per cent if monthly bill is not paid by the 15th of the month following that in which the service is rendered, provided however that said bill has been presented to the City Clerk before the first regular meeting of the City Council for said month.

(6) The street lights shall be counted and a bill mailed by the Company to the City Clerk of the City of Las Animas, Colorado, before the first regular monthly meeting of the City Council of each calendar month, dated as of the date the lights are counted and recorded, and said bill shall be due and payable within ten (10) days from date of mailing said bill; payments to be made by warrants drawn on the City Treasurer and against the street lighting fund; and all other charges for which the City shall be liable to the Company under this contract shall be paid monthly in the same manner and at the same time.

(7) The Company shall not be held liable in damages for any failure or neglect to supply such lights by reason of strikes, acts of God, the public enemy, wars or other acts reasonably beyond its control.

(8) This contract shall be in force and effect for a term of five (5) years and thereafter until cancelled by either party upon ninety (90) days written notice to the other party from and after the date hereof.

(10) It is further agreed that this agreement shall be ratified by the Public Utilities Commission of the State of Colorado, and that the rates and provisions herein can be changed at any time by that body with its constituted legal authority.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in duplicate by their duly authorized officers, on the day and date hereinabove written.

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THE WESTERN PUBLIC SERVICE COMPANY,

By

President.

Attest:

CITY OF LAS ANIMAS, BENT COUNTY, COLORADO.

By

Mayor,

Attest: *C. M. Halvarson* City Clerk.

SECTION II.

~~This ordinance shall be in full force and effect from and after its passage and approval as required by law.~~

SECTION III

All ordinances, resolutions and orders of the City Council in conflict herewith are hereby repealed.

Introduced and read this 2nd day of February, A. D. 1932

Adopted and approved this 16th day of February, A. D. 1932.

Mayor.

Attest: *C. M. Halvarson* City Clerk.

STATE OF COLORADO)

County of Bent) SS

I, C. M. Halvarson, City Clerk in and for the City of Las Animas, Colorado, do hereby certify that the foregoing Ordinance No. 274 was read at a regular meeting of the City Council of the City of Las Animas, Colorado and published in the Las Animas Leader, a weekly newspaper of general circulation published in the City of Las Animas, Colorado, for ten days before its passage, and published once after its passage and approval in said Las Animas Leader.

In Witness Whereof, I have hereunto set my hand and affixed the official seal of the City of Las Animas, Colorado, this *5th* day of *March* A.D. 1932

C. M. Halvarson

City Clerk.